



PATENTS  
112056-0011  
P01-1079

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Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

JUL 06 2004  
Technology Center 2100

**AMENDMENT TRANSMITTAL LETTER**

Sir:

Transmitted herewith for filing in the Patent Application of

Inventor(s): Steven R. Klinkner

For: SYSTEM AND METHOD FOR PRE-SELECTING  
CANDIDATE DISKS BASED ON VALIDITY FOR  
VOLUME

Serial No.: 10/027,909

Filed: December 21, 2001

are the following papers:

- A response to the Office action dated May 27, 2004
- A petition for extension of time and check for \$
- A check including \$398 to cover the fee for additional claims resulting from the response. The fee is calculated as follows:

Total Claims Remaining after

Amendment:.....23  
Less Highest Number of Total Claims  
Previously Paid for:.....20

Difference.....3 x \$ 18 = \$ 54

Independent Claims Remaining

after Amendment.....9  
Less Highest Number of Independent  
Claims Previously Paid for.....5

Difference.....4 x \$ 86 = \$ 344

Multiple-Dependent-Claim Fee Required

after Amendment and Not Previously Paid.....\$ 0

Total of Above Calculations.....\$ 398  
Less Reduction for Small Entity .....\$ 0

Total Due .....\$ 398

The Commissioner is hereby authorized to charge any  
other fees under 37 C.F.R. §§1.16 and 1.17 that may be required,  
or credit any overpayment, to our Deposit Account No. 03-1237.

Respectfully submitted,



James A. Blanchette  
Reg. No. 51,477  
CESARI AND McKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
(617) 951-2500



PATENTS  
112056-0011  
P01-1079

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of: )  
Steven R. Klinkner )  
Serial No.: 10/027,909 )  
Filed: December 21, 2001 )  
For: SYSTEM AND METHOD FOR )  
PRE-SELECTING CANDIDATE )  
DISKS BASED ON VALIDITY )  
FOR VOLUME )

Examiner: Ellis, Kevin L.

Art Unit: 2188

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Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
June 30, 2004

**EXPRESS-MAIL DEPOSIT**

“Express Mail” Mailing-Label Number: EV 336739012 US

The following paper is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

- Fee Transmittal Letter
- Check No. 28810 for \$1,168.00
- Amendment Transmittal Letter
- Request for Continued Examination Transmittal
- Preliminary Amendment
- Formal Drawing ( 11 sheets )
- Return Receipt Postcard



# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant Claims Small Entity Status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** **1,168**
**Complete If Known**

Application Number	10/027,909
Filing Date	December 21, 2001
First Named Inventor	Steven R. Klinkner
Examiner Name	Ellis, Kevin L.
Group Art Unit	2188
Attorney Docket No.	112056-0011

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JUL 06 2004

**METHOD OF PAYMENT** (check all that apply)
 Check  Credit Card  Money  Other  None  
 Deposit Account  Order

Deposit Account **03-1237**  
 Number  
 Deposit Account **Cesari and McKenna, LLP**  
 Name

The Commissioner is authorized to: (check all that apply)  
 Charge any deficiency or  
 Charge fee indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-  
 identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>0</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra Fee from Claims below	Fee Paid
Total Claims <b>23</b> - <b>20**</b> = <b>3</b> x <b>18</b> = <b>54</b>	
Independent Claims <b>9</b> - <b>5**</b> = <b>4</b> x <b>86</b> = <b>344</b>	
Multiple Dependent	<b>0</b>

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	**Reissue independent claims over original patent
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$)</b> <b>398</b>

\*\*or number previously paid, if greater; For Reissues, see below

**3. ADDITIONAL FEES**

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English Specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility Issue fee (or reissue)	
1502 470	2502 235	Design Issue fee	
1503 630	2503 315	Plant Issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	770
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
Other fee (specify)			
		<b>SUBTOTAL (3)</b>	<b>(\$)</b> <b>770</b>

\*Reduced by Basic Filing Fee Paid

**Complete (if applicable)**

Name (Print/Type)	James A. Blanchette	Registration No. (Attorney/Agent)	51,477	Telephone	(617) 951-2500
Signature	<i>James A. Blanchette</i>				
Date	June 30, 2004				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



JUN 30 2004

07-01-04

PTO/SB/30 (08-00)  
 Approved for use through 10/31/2002. OMB 0651-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 61  
 RCE K/H

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/027,909
Filing Date	December 21, 2001
Examiner Name	Ellis, Kevin L.
First Named Inventor	Steven R. Klinkner
Group Art Unit	2188
Attorney Docket Number	112056-0011

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b. Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1237
  - i.  RCE fee required under 37 C.F.R. § 1.17(e)
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$770 enclosed (= RCE fee)
- c.  Payment by credit card (Form PTO-2038 enclosed)

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JUL 06 2004

Technology Center 2100

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	James A. Blanchette	Registration No. (Attorney/Agent)	51,477
Signature		Date	June 30, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION EXPRESS**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on 6/30/04

Name (Print /Type)	Elaine Cruz
Signature	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

07/06/2004 AWONDAF1 00000139 10027909

01 FC:1801	770.00 OP
02 FC:1201	344.00 OP
03 FC:1202	54.00 OP